

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MELVIN TURNER,)	No. C 11-05624 EJD (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
vs.)	
)	
DEPT. OF CORRECTIONS AND)	
REHABILITATION, et al.,)	
)	
Defendants.)	
)	
_____)	

Plaintiff filed the instant civil rights complaint in pro se pursuant to 42 U.S.C. § 1983. On April 6, 2012, the Court dismissed the complaint with leave to amend. (See Docket No.) A stamped copy of the court order mailed to Plaintiff was returned as undeliverable on May 14, 2012, indicating that Plaintiff was “out to court.” (Docket No. 10.) Thereafter, the Court attempted re-delivery four more times, each with the same notice of non-delivery that Plaintiff was out to court. (See Docket Nos. 11, 12, 13 & 14.) As of the date of this order, Plaintiff has not filed a notice of change of address or submitted any further pleadings in this case.


Pursuant to Northern District Local Rule 3-11 a party proceeding pro se must promptly file a notice of change of address while an action is pending. See L.R. 3-11(a). The Court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro

1 se party by the Court has been returned to the Court as not deliverable, and (2) the Court
2 fails to receive within sixty days of this return a written communication from the pro se
3 party indicating a current address. See L.R. 3-11(b).

4 More than sixty days have passed since the first mail addressed to Plaintiff was
5 returned as undeliverable. The Court has not received a notice from Plaintiff of a new
6 address. Accordingly, the instant civil rights action is DISMISSED without prejudice
7 pursuant to Rule 3-11 of the Northern District Local Rules.

8 The Clerk shall terminate any pending motions.

9
10 DATED: 8/31/2012


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MELVIN TURNER,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS AND
REHABILITATION et al,

Defendant.

Case Number: CV11-05624 EJD

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 4, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Melvin Turner B-78955
San Quentin State Prison
San Quentin, CA 94974

Dated: September 4, 2012

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk